

PROPOSED AMENDMENT

SENATE AMENDMENTS TO H.B. 2275

(Reference to House engrossed bill)

Strike everything after the enacting clause and insert:

"Section 1. Section 32-2065, Arizona Revised Statutes, is amended to read:

32-2065. Board of psychologist examiners fund

A. The board of psychologist examiners fund is established.

B. Except as provided in ~~section~~ SECTIONS 32-2081 AND 32-2091.09, SUBSECTION I, pursuant to sections 35-146 and 35-147, the board shall deposit ten per cent of all monies collected pursuant to this chapter in the state general fund and deposit the remaining ninety per cent in the board of psychologist examiners fund.

C. All monies deposited in the board of psychologist examiners fund are subject to section 35-143.01.

Sec. 2. Title 32, chapter 19.1, Arizona Revised Statutes, is amended by adding article 4, to read:

ARTICLE 4. BEHAVIOR ANALYSTS

32-2091. Definitions

A. IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "ACTIVE LICENSE" MEANS A CURRENT LICENSE ISSUED BY THE BOARD TO A PERSON LICENSED PURSUANT TO THIS ARTICLE.

2. "ADEQUATE RECORDS" MEANS RECORDS THAT CONTAIN, AT A MINIMUM, SUFFICIENT INFORMATION TO IDENTIFY THE CLIENT, THE DATES OF SERVICE, THE FEE FOR SERVICE, THE PAYMENTS FOR SERVICE AND THE TYPE OF SERVICE GIVEN AND COPIES OF ANY REPORTS THAT MAY HAVE BEEN MADE.

3. "BEHAVIOR ANALYSIS" MEANS THE DESIGN, IMPLEMENTATION AND EVALUATION OF SYSTEMATIC ENVIRONMENTAL MODIFICATIONS BY A BEHAVIOR ANALYST TO PRODUCE SOCIALLY SIGNIFICANT IMPROVEMENTS IN HUMAN BEHAVIOR BASED ON THE PRINCIPLES OF BEHAVIOR IDENTIFIED THROUGH THE EXPERIMENTAL ANALYSIS OF BEHAVIOR. BEHAVIOR ANALYSIS DOES NOT INCLUDE COGNITIVE THERAPIES OR PSYCHOLOGICAL TESTING, NEUROPSYCHOLOGY, PSYCHOTHERAPY, SEX THERAPY, PSYCHOANALYSIS, HYPNOTHERAPY AND LONG-TERM COUNSELING AS TREATMENT MODALITIES.

4. "BEHAVIOR ANALYSIS SERVICES" MEANS THE USE OF BEHAVIOR ANALYSIS TO ASSIST A PERSON TO LEARN NEW BEHAVIOR, INCREASE EXISTING BEHAVIOR, REDUCE EXISTING BEHAVIOR AND EMIT BEHAVIOR UNDER PRECISE ENVIRONMENTAL CONDITIONS. BEHAVIOR ANALYSIS INCLUDES BEHAVIORAL PROGRAMMING AND BEHAVIORAL PROGRAMS.

5. "BEHAVIOR ANALYST" MEANS A PERSON WHO IS LICENSED PURSUANT TO THIS ARTICLE TO PRACTICE BEHAVIOR ANALYSIS.

6. "CLIENT" MEANS:

(a) A PERSON OR ENTITY THAT RECEIVES BEHAVIOR ANALYSIS SERVICES.

(b) A CORPORATE ENTITY, A GOVERNMENTAL ENTITY OR ANY OTHER ORGANIZATION THAT HAS A PROFESSIONAL CONTRACT TO PROVIDE SERVICES OR BENEFITS PRIMARILY TO AN ORGANIZATION RATHER THAN TO AN INDIVIDUAL.

(c) AN INDIVIDUAL'S LEGAL GUARDIAN FOR DECISION MAKING PURPOSES, EXCEPT THAT THE INDIVIDUAL IS THE CLIENT FOR ISSUES THAT DIRECTLY AFFECT THE

1 INDIVIDUAL'S PHYSICAL OR EMOTIONAL SAFETY AND ISSUES THAT THE LEGAL GUARDIAN  
2 AGREES TO SPECIFICALLY RESERVE TO THE INDIVIDUAL.

3 7. "EXPLOIT" MEANS AN ACTION BY A BEHAVIOR ANALYST WHO TAKES UNDUE  
4 ADVANTAGE OF THE PROFESSIONAL ASSOCIATION WITH A CLIENT, STUDENT OR  
5 SUPERVISEE FOR THE ADVANTAGE OR PROFIT OF THE BEHAVIOR ANALYST.

6 8. "HEALTH CARE INSTITUTION" MEANS A FACILITY THAT IS LICENSED  
7 PURSUANT TO TITLE 36, CHAPTER 4, ARTICLE 1, A PERSON WHO IS AUTHORIZED TO  
8 TRANSACT DISABILITY INSURANCE PURSUANT TO TITLE 20, CHAPTER 6, ARTICLE 4 OR 5  
9 OR A PERSON WHO IS ISSUED A CERTIFICATE OF AUTHORITY PURSUANT TO TITLE 20,  
10 CHAPTER 4, ARTICLE 9.

11 9. "LETTER OF CONCERN" MEANS AN ADVISORY LETTER TO NOTIFY A LICENSEE  
12 THAT WHILE THERE IS INSUFFICIENT EVIDENCE TO SUPPORT DISCIPLINARY ACTION THE  
13 BOARD BELIEVES THE LICENSEE SHOULD MODIFY OR ELIMINATE CERTAIN PRACTICES AND  
14 THAT CONTINUATION OF THE ACTIVITIES THAT LED TO THE INFORMATION BEING  
15 SUBMITTED TO THE BOARD MAY RESULT IN ACTION AGAINST THE LICENSE.

16 10. "SUPERVISEE" MEANS A PERSON WHO ACTS UNDER THE EXTENDED AUTHORITY  
17 OF A BEHAVIOR ANALYST TO PROVIDE BEHAVIORAL SERVICES AND INCLUDES A PERSON  
18 WHO IS IN TRAINING TO PROVIDE THESE SERVICES.

19 11. "UNPROFESSIONAL CONDUCT" INCLUDES THE FOLLOWING ACTIVITIES, WHETHER  
20 OCCURRING IN THIS STATE OR ELSEWHERE:

21 (a) OBTAINING A FEE BY FRAUD OR MISREPRESENTATION.

22 (b) BETRAYING PROFESSIONAL CONFIDENCES.

23 (c) MAKING OR USING STATEMENTS OF A CHARACTER TENDING TO DECEIVE OR  
24 MISLEAD.

25 (d) AIDING OR ABETTING A PERSON WHO IS NOT LICENSED PURSUANT TO THIS  
26 ARTICLE IN REPRESENTING THAT PERSON AS A BEHAVIOR ANALYST.

27 (e) GROSS NEGLIGENCE IN THE PRACTICE OF A BEHAVIOR ANALYST.

28 (f) SEXUAL INTIMACIES OR SEXUAL INTERCOURSE WITH A CURRENT CLIENT OR A  
29 SUPERVISEE OR WITH A FORMER CLIENT WITHIN TWO YEARS AFTER THE CESSATION OR  
30 TERMINATION OF TREATMENT. FOR THE PURPOSES OF THIS SUBDIVISION, "SEXUAL  
31 INTERCOURSE" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-1401.

32 (g) ENGAGING OR OFFERING TO ENGAGE AS A BEHAVIOR ANALYST IN ACTIVITIES  
33 THAT ARE NOT CONGRUENT WITH THE BEHAVIOR ANALYST'S PROFESSIONAL EDUCATION,  
34 TRAINING AND EXPERIENCE.

35 (h) FAILING OR REFUSING TO MAINTAIN AND RETAIN ADEQUATE BUSINESS,  
36 FINANCIAL OR PROFESSIONAL RECORDS PERTAINING TO THE BEHAVIOR ANALYSIS  
37 SERVICES PROVIDED TO A CLIENT.

38 (i) COMMITTING A FELONY, WHETHER OR NOT INVOLVING MORAL TURPITUDE, OR  
39 A MISDEMEANOR INVOLVING MORAL TURPITUDE. IN EITHER CASE, CONVICTION BY A  
40 COURT OF COMPETENT JURISDICTION OR A PLEA OF NO CONTEST IS CONCLUSIVE  
41 EVIDENCE OF THE COMMISSION.

42 (j) MAKING A FRAUDULENT OR UNTRUE STATEMENT TO THE BOARD OR ITS  
43 INVESTIGATORS, STAFF OR CONSULTANTS.

44 (k) VIOLATING ANY FEDERAL OR STATE LAW THAT RELATES TO THE PRACTICE OF  
45 BEHAVIOR ANALYSIS OR TO OBTAIN A LICENSE TO PRACTICE BEHAVIOR ANALYSIS.

1 (l) PRACTICING BEHAVIOR ANALYSIS WHILE IMPAIRED OR INCAPACITATED TO  
2 THE EXTENT AND IN A MANNER THAT JEOPARDIZES THE WELFARE OF A CLIENT OR  
3 RENDERS THE SERVICES PROVIDED INEFFECTIVE.

4 (m) USING FRAUD, MISREPRESENTATION OR DECEPTION TO OBTAIN OR ATTEMPT  
5 TO OBTAIN A BEHAVIOR ANALYSIS LICENSE OR TO PASS OR ATTEMPT TO PASS A  
6 BEHAVIOR ANALYSIS LICENSING EXAMINATION OR IN ASSISTING ANOTHER PERSON TO DO  
7 SO.

8 (n) UNPROFESSIONAL CONDUCT IN ANOTHER JURISDICTION THAT RESULTED IN  
9 CENSURE, PROBATION OR A CIVIL PENALTY OR IN THE DENIAL, SUSPENSION,  
10 RESTRICTION OR REVOCATION OF A CERTIFICATE OR LICENSE TO PRACTICE AS A  
11 BEHAVIOR ANALYST.

12 (o) PROVIDING SERVICES THAT ARE UNNECESSARY OR UNSAFE OR OTHERWISE  
13 ENGAGING IN ACTIVITIES AS A BEHAVIOR ANALYST THAT ARE UNPROFESSIONAL BY  
14 CURRENT STANDARDS OF PRACTICE.

15 (p) FALSELY OR FRAUDULENTLY CLAIMING TO HAVE PERFORMED A PROFESSIONAL  
16 SERVICE, CHARGING FOR A SERVICE OR REPRESENTING A SERVICE AS THE LICENSEE'S  
17 OWN IF THE LICENSEE HAS NOT RENDERED THE SERVICE OR ASSUMED SUPERVISORY  
18 RESPONSIBILITY FOR THE SERVICE.

19 (q) REPRESENTING ACTIVITIES OR SERVICES AS BEING PERFORMED UNDER THE  
20 LICENSEE'S SUPERVISION IF THE BEHAVIOR ANALYST HAS NOT ASSUMED RESPONSIBILITY  
21 FOR THEM AND HAS NOT EXERCISED CONTROL, OVERSIGHT AND REVIEW.

22 (r) FAILING TO OBTAIN A CLIENT'S INFORMED AND WRITTEN CONSENT TO  
23 RELEASE PERSONAL OR OTHERWISE CONFIDENTIAL INFORMATION TO ANOTHER PARTY  
24 UNLESS THE RELEASE IS OTHERWISE AUTHORIZED BY LAW.

25 (s) FAILING TO MAKE CLIENT RECORDS IN THE BEHAVIOR ANALYST'S  
26 POSSESSION PROMPTLY AVAILABLE TO ANOTHER BEHAVIOR ANALYST ON RECEIPT OF  
27 PROPER AUTHORIZATION TO DO SO FROM THE CLIENT, A MINOR CLIENT'S PARENT, THE  
28 CLIENT'S LEGAL GUARDIAN OR THE CLIENT'S AUTHORIZED REPRESENTATIVE OR FAILING  
29 TO COMPLY WITH TITLE 12, CHAPTER 13, ARTICLE 7.1.

30 (t) FAILING TO TAKE REASONABLE STEPS TO INFORM OR PROTECT A CLIENT'S  
31 INTENDED VICTIM AND INFORM THE PROPER LAW ENFORCEMENT OFFICIALS IF THE  
32 BEHAVIOR ANALYST BECOMES AWARE DURING THE COURSE OF PROVIDING OR SUPERVISING  
33 BEHAVIOR ANALYSIS SERVICES THAT A CLIENT INTENDS OR PLANS TO INFLICT SERIOUS  
34 BODILY HARM ON ANOTHER PERSON.

35 (u) FAILING TO TAKE REASONABLE STEPS TO PROTECT A CLIENT IF THE  
36 BEHAVIOR ANALYST BECOMES AWARE DURING THE COURSE OF PROVIDING OR SUPERVISING  
37 BEHAVIOR ANALYSIS SERVICES THAT A CLIENT INTENDS OR PLANS TO INFLICT SERIOUS  
38 BODILY HARM ON SELF.

39 (v) ABANDONING OR NEGLECTING A CLIENT IN NEED OF IMMEDIATE CARE  
40 WITHOUT MAKING SUITABLE ARRANGEMENTS FOR CONTINUATION OF THE CARE.

41 (w) ENGAGING IN DIRECT OR INDIRECT PERSONAL SOLICITATION OF CLIENTS  
42 THROUGH THE USE OF COERCION, DURESS, UNDUE INFLUENCE, COMPULSION OR  
43 INTIMIDATION PRACTICES.

44 (x) ENGAGING IN FALSE, DECEPTIVE OR MISLEADING ADVERTISING.

45 (y) EXPLOITING A CLIENT, STUDENT OR SUPERVISEE.

46 (z) FAILING TO REPORT INFORMATION TO THE BOARD REGARDING A POSSIBLE  
47 ACT OF UNPROFESSIONAL CONDUCT COMMITTED BY ANOTHER BEHAVIOR ANALYST WHO IS

1 LICENSED PURSUANT TO THIS ARTICLE UNLESS THIS REPORTING VIOLATES THE BEHAVIOR  
2 ANALYST'S CONFIDENTIAL RELATIONSHIP WITH A CLIENT PURSUANT TO THIS ARTICLE.  
3 A BEHAVIOR ANALYST WHO REPORTS OR PROVIDES INFORMATION TO THE BOARD IN GOOD  
4 FAITH IS NOT SUBJECT TO AN ACTION FOR CIVIL DAMAGES.

5 (aa) VIOLATING A FORMAL BOARD ORDER, CONSENT AGREEMENT, TERM OF  
6 PROBATION OR STIPULATED AGREEMENT ISSUED UNDER THIS ARTICLE.

7 (bb) FAILING TO FURNISH INFORMATION IN A TIMELY MANNER TO THE BOARD OR  
8 ITS INVESTIGATORS OR REPRESENTATIVES IF REQUESTED OR SUBPOENAED BY THE BOARD  
9 AS PRESCRIBED BY THIS ARTICLE.

10 (cc) FAILING TO MAKE AVAILABLE TO A CLIENT OR TO THE CLIENT'S  
11 DESIGNATED REPRESENTATIVE, ON WRITTEN REQUEST, A COPY OF THE CLIENT'S RECORD,  
12 EXCLUDING RAW TEST DATA, PSYCHOMETRIC TESTING MATERIALS AND OTHER INFORMATION  
13 AS PROVIDED BY LAW.

14 (dd) VIOLATING AN ETHICAL STANDARD ADOPTED BY THE BOARD.

15 B. THE BOARD SHALL NOT CONSIDER A COMPLAINT AGAINST A BEHAVIOR ANALYST  
16 ARISING OUT OF A JUDICIALLY ORDERED EVALUATION OF A PERSON CHARGED WITH  
17 VIOLATING ANY PROVISION OF TITLE 13, CHAPTER 14 TO PRESENT A CHARGE OF  
18 UNPROFESSIONAL CONDUCT UNLESS THE COURT ORDERING THE EVALUATION HAS FOUND A  
19 SUBSTANTIAL BASIS TO REFER THE COMPLAINT FOR CONSIDERATION BY THE BOARD.

20 32-2091.01. Fees

21 A. THE BOARD, BY A FORMAL VOTE, SHALL ESTABLISH FEES FOR THE FOLLOWING  
22 RELATING TO THE LICENSURE OF BEHAVIOR ANALYSTS:

- 23 1. AN APPLICATION FOR AN ACTIVE LICENSE.
- 24 2. AN APPLICATION FOR A TEMPORARY LICENSE.
- 25 3. RENEWAL OF AN ACTIVE LICENSE.
- 26 4. ISSUANCE OF AN INITIAL LICENSE.

27 B. THE BOARD MAY CHARGE ADDITIONAL FEES FOR SERVICES IT DEEMS  
28 NECESSARY AND APPROPRIATE TO CARRY OUT THIS ARTICLE. THESE FEES SHALL NOT  
29 EXCEED THE ACTUAL COST OF PROVIDING THE SERVICE.

30 C. THE BOARD SHALL NOT REFUND FEES EXCEPT AS OTHERWISE PROVIDED IN  
31 THIS ARTICLE. ON SPECIAL REQUEST AND FOR GOOD CAUSE, THE BOARD MAY RETURN  
32 THE LICENSE RENEWAL FEE.

33 32-2091.02. Qualifications of applicant

34 BEGINNING JANUARY 1, 2010, A PERSON WHO WISHES TO PRACTICE AS A  
35 BEHAVIOR ANALYST MUST BE LICENSED PURSUANT TO THIS ARTICLE. AN APPLICANT FOR  
36 LICENSURE MUST MEET ALL OF THE FOLLOWING REQUIREMENTS:

- 37 1. SUBMIT AN APPLICATION AS PRESCRIBED BY THE BOARD.
- 38 2. BE AT LEAST TWENTY-ONE YEARS OF AGE.
- 39 3. BE OF GOOD MORAL CHARACTER. THE BOARD'S STANDARD TO DETERMINE GOOD  
40 MORAL CHARACTER SHALL NOT VIOLATE FEDERAL DISCRIMINATION LAWS.
- 41 4. PAY ALL APPLICABLE FEES PRESCRIBED BY THE BOARD.
- 42 5. HAVE THE PHYSICAL AND MENTAL CAPABILITY TO SAFELY AND COMPETENTLY  
43 ENGAGE IN THE PRACTICE OF BEHAVIOR ANALYSIS.
- 44 6. NOT HAVE COMMITTED ANY ACT OR ENGAGED IN ANY CONDUCT THAT WOULD  
45 CONSTITUTE GROUNDS FOR DISCIPLINARY ACTION AGAINST A LICENSEE PURSUANT TO  
46 THIS ARTICLE.



1           2. DESIGNING, IMPLEMENTING AND MONITORING BEHAVIOR ANALYSIS PROGRAMS  
2 FOR CLIENTS.

3           3. OVERSEEING THE IMPLEMENTATION OF BEHAVIOR ANALYSIS PROGRAMS BY  
4 OTHERS.

5           4. OTHER ACTIVITIES NORMALLY PERFORMED BY A BEHAVIOR ANALYST THAT ARE  
6 DIRECTLY RELATED TO BEHAVIOR ANALYSIS, SUCH AS ATTENDING PLANNING MEETINGS  
7 REGARDING THE BEHAVIOR ANALYSIS PROGRAM, RESEARCHING THE LITERATURE RELATED  
8 TO THE PROGRAM, TALKING TO INDIVIDUALS ABOUT THE PROGRAM AND ANY ADDITIONAL  
9 ACTIVITIES RELATED TO OVERSIGHT OF BEHAVIORAL PROGRAMMING SUCH AS BEHAVIOR  
10 ANALYST SUPERVISION ISSUES OR EVALUATION OF BEHAVIOR ANALYSTS' PERFORMANCE.

11           C. THE FOLLOWING ACTIVITIES ARE NOT CONSIDERED SUPERVISED WORK  
12 EXPERIENCE REQUIRED PURSUANT TO SUBSECTION A, PARAGRAPH 4:

13           1. ATTENDING MEETINGS WITH LITTLE OR NO BEHAVIOR ANALYTIC CONTENT.

14           2. PROVIDING INTERVENTIONS THAT ARE NOT BASED IN BEHAVIOR ANALYSIS.

15           3. DOING NONBEHAVIOR ANALYTIC ADMINISTRATIVE ACTIVITIES.

16           4. ANY OTHER ACTIVITIES THAT ARE NOT DIRECTLY RELATED TO BEHAVIOR  
17 ANALYSIS.

18           D. FOR SUPERVISED WORK EXPERIENCE REQUIRED PURSUANT TO SUBSECTION A,  
19 PARAGRAPH 4, THE SUPERVISOR MUST OBSERVE THE APPLICANT ENGAGING IN BEHAVIOR  
20 ANALYTIC ACTIVITIES IN THE NATURAL ENVIRONMENT AT LEAST ONCE EVERY TWO WEEKS.  
21 THIS OBSERVATION MAY BE CONDUCTED BY WEB CAMERAS, VIDEOTAPE,  
22 VIDEOCONFERENCING OR SIMILAR MEANS INSTEAD OF THE SUPERVISOR BEING PHYSICALLY  
23 PRESENT. SUPERVISION MAY BE CONDUCTED IN SMALL GROUPS OF TEN OR FEWER  
24 PARTICIPANTS FOR NOT MORE THAN HALF OF THE TOTAL SUPERVISED HOURS IN EACH  
25 SUPERVISORY PERIOD. THE REMAINDER OF THE TOTAL SUPERVISION HOURS IN EACH  
26 SUPERVISORY PERIOD MUST CONSIST OF DIRECT ONE-TO-ONE CONTACT. SUPERVISION  
27 HOURS MAY BE COUNTED TOWARD THE TOTAL NUMBER OF EXPERIENCE HOURS REQUIRED.

28           E. A SUPERVISOR CONDUCTING THE SUPERVISED WORK EXPERIENCE PURSUANT TO  
29 SUBSECTION D SHALL NOT BE THE APPLICANT'S RELATIVE, SUBORDINATE OR EMPLOYEE  
30 DURING THE EXPERIENCE PERIOD. THE SUPERVISOR IS NOT AN EMPLOYEE OF THE  
31 APPLICANT IF THE ONLY COMPENSATION RECEIVED BY THE SUPERVISOR FROM THE  
32 APPLICANT CONSISTS OF PAYMENT FOR SUPERVISION. A SUPERVISOR MUST BE ONE OF  
33 THE FOLLOWING:

34           1. A LICENSED BEHAVIOR ANALYST WHO MEETS REQUIREMENTS FOR LICENSURE  
35 PURSUANT TO SUBSECTION A.

36           2. A BEHAVIOR ANALYST WHO IS CERTIFIED BY A NATIONALLY RECOGNIZED  
37 BEHAVIOR ANALYST CERTIFICATION BOARD AS DETERMINED BY THE BOARD AND WHOSE  
38 CERTIFICATION IS IN GOOD STANDING.

39           3. AN INDIVIDUAL WHO HAS APPLIED AND BEEN APPROVED TO TAKE A  
40 NATIONALLY RECOGNIZED BEHAVIOR ANALYST CERTIFICATION EXAMINATION AS  
41 DETERMINED BY THE BOARD.

42           4. AN INDIVIDUAL PROVIDING SUPERVISION BEFORE SEPTEMBER 1, 2006.

43           F. AN APPLICANT MAY SUBMIT A WRITTEN REQUEST TO THE BOARD FOR AN  
44 EXEMPTION FROM THE REQUIREMENT PRESCRIBED IN SUBSECTION E. THE REQUEST MUST  
45 INCLUDE THE NAME OF THE BEHAVIOR ANALYST PROPOSED BY THE APPLICANT TO ACT AS  
46 THE CLINICAL SUPERVISOR, A COPY OF THE PROPOSED CLINICAL SUPERVISOR'S  
47 TRANSCRIPT AND CURRICULUM VITAE AND ANY ADDITIONAL DOCUMENTATION REQUESTED BY

1 THE BOARD. THE BOARD SHALL REVIEW THE SUPERVISION EXEMPTION REQUEST TO  
2 DETERMINE IF THE PROPOSED SUPERVISOR HAS THE NECESSARY EDUCATION, TRAINING  
3 AND EXPERIENCE TO PROVIDE SUPERVISION ACCEPTABLE FOR BEHAVIOR ANALYST  
4 LICENSURE. IF THE PROPOSED SUPERVISOR HAS THE NECESSARY EDUCATION, TRAINING  
5 AND EXPERIENCE, THE BOARD SHALL GRANT THE SUPERVISION EXEMPTION REQUEST. THE  
6 BOARD SHALL NOT GRANT AN EXEMPTION REQUEST FOR AN UNLICENSED CLINICAL  
7 SUPERVISOR PROVIDING CLINICAL SUPERVISION IN THIS STATE AFTER JULY 1, 2010,  
8 EXCEPT THAT AN EXEMPTION MAY BE GRANTED BY THE BOARD IF THE CLINICAL  
9 SUPERVISOR HOLDS A CURRENT NATIONAL CERTIFICATION FROM A NATIONALLY  
10 RECOGNIZED BEHAVIOR ANALYST CERTIFICATION BOARD AS DETERMINED BY THE BOARD.

11 G. AN INDIVIDUAL WHO COMPLETED THE DEGREE, COURSEWORK OR EXPERIENCE  
12 BEFORE JANUARY 1, 2000 MAY HAVE SUPERVISED WORK EXPERIENCE OR CORE SPECIFIED  
13 COURSEWORK THAT WAS ACCRUED IN A SETTING OUTSIDE OF A COLLEGE OR UNIVERSITY  
14 PROGRAM IF THE FOLLOWING CONDITIONS ARE MET:

15 1. THE ACQUIRED COURSEWORK OR SUPERVISED WORK EXPERIENCE WAS ACQUIRED  
16 AFTER THE GRADUATE DEGREE AND BEFORE JANUARY 1, 2000.

17 2. THE APPLICANT HAS MET THE REQUIREMENTS FOR AND RECEIVED THE  
18 CERTIFICATION CREDENTIAL FROM A NATIONALLY RECOGNIZED BEHAVIOR ANALYST  
19 CERTIFICATION BOARD AS DETERMINED BY THE BOARD.

20 H. THE BOARD MAY PRESCRIBE BY RULE ADDITIONAL REQUIREMENTS RELATING TO  
21 EDUCATION AND TRAINING.

22 32-2091.04. Reciprocity

23 THE BOARD MAY ISSUE A LICENSE TO A PERSON AS A BEHAVIOR ANALYST IF THE  
24 PERSON IS LICENSED OR CERTIFIED BY ANOTHER STATE REGULATORY AGENCY AT AN  
25 EQUIVALENT OR HIGHER PRACTICE LEVEL AS DETERMINED BY THE BOARD, PAYS THE FEE  
26 PRESCRIBED BY THE BOARD AND MEETS ALL OF THE FOLLOWING REQUIREMENTS:

27 1. SUBMITS A WRITTEN APPLICATION PRESCRIBED BY THE BOARD.

28 2. IS OF GOOD MORAL CHARACTER. THE BOARD'S STANDARD TO DETERMINE GOOD  
29 MORAL CHARACTER SHALL NOT VIOLATE FEDERAL DISCRIMINATION LAWS.

30 3. DOCUMENTS TO THE BOARD'S SATISFACTION PROOF OF INITIAL LICENSURE OR  
31 CERTIFICATION AT AN EQUIVALENT DESIGNATION FOR WHICH THE APPLICANT IS SEEKING  
32 LICENSURE IN THIS STATE AND PROOF THAT THE LICENSE OR CERTIFICATE IS CURRENT  
33 AND IN GOOD STANDING.

34 4. DOCUMENTS TO THE BOARD'S SATISFACTION PROOF THAT ANY OTHER LICENSE  
35 OR CERTIFICATE ISSUED TO THE APPLICANT BY ANOTHER STATE HAS NOT BEEN  
36 SUSPENDED OR REVOKED. IF A LICENSEE OR CERTIFICATE HOLDER HAS BEEN SUBJECTED  
37 TO ANY OTHER DISCIPLINARY ACTION, THE BOARD MAY ASSESS THE MAGNITUDE OF THAT  
38 ACTION AND MAKE A DECISION REGARDING RECIPROCITY BASED ON THIS ASSESSMENT.

39 5. MEETS ANY OTHER REQUIREMENTS PRESCRIBED BY THE BOARD BY RULE.

40 32-2091.05. Examinations

41 A. AN APPLICANT FOR LICENSURE MUST PASS AN EXAMINATION FROM A  
42 NATIONALLY RECOGNIZED BEHAVIOR ANALYST CERTIFICATION BOARD AS DETERMINED BY  
43 THE BOARD.

44 B. THE BOARD MAY REQUIRE AN ADDITIONAL EXAMINATION FOR ALL APPLICANTS  
45 TO COVER AREAS OF PROFESSIONAL ETHICS AND PRACTICE THAT IS CONSISTENT WITH  
46 THE APPLICANT'S EDUCATION AND EXPERIENCE, STATE LAW RELATING TO THE PRACTICE  
47 OF BEHAVIOR ANALYSIS OR OTHER AREAS THE BOARD DETERMINES ARE SUITABLE.

1 C. AN APPLICANT MAY NOT TAKE AN EXAMINATION ADMINISTERED FOR OR BY THE  
2 BOARD UNTIL THE APPLICANT COMPLETES THE EDUCATION REQUIREMENTS OF THIS  
3 ARTICLE.

4 D. AN APPLICANT WHO FAILS THE NATIONAL EXAMINATION ADMINISTERED FOR OR  
5 BY ANY JURISDICTION THREE TIMES IS NOT ELIGIBLE TO TAKE THAT EXAMINATION  
6 AGAIN UNTIL THE APPLICANT MEETS ADDITIONAL REQUIREMENTS PRESCRIBED BY THE  
7 BOARD.

8 32-2091.06. Temporary licenses; inactive status; reinstatement  
9 to active status

10 A. IF THE BOARD REQUIRES AN ADDITIONAL EXAMINATION, IT MAY ISSUE A  
11 TEMPORARY LICENSE TO A BEHAVIOR ANALYST WHO IS LICENSED OR CERTIFIED UNDER  
12 THE LAWS OF ANOTHER JURISDICTION, IF THE BEHAVIOR ANALYST APPLIES TO THE  
13 BOARD FOR LICENSURE AND MEETS THE EDUCATIONAL, EXPERIENCE AND FIRST  
14 EXAMINATION REQUIREMENTS OF THIS ARTICLE.

15 B. A TEMPORARY LICENSE ISSUED PURSUANT TO THIS SECTION IS EFFECTIVE  
16 FROM THE DATE THE APPLICATION IS APPROVED UNTIL THE LAST DAY OF THE MONTH IN  
17 WHICH THE APPLICANT RECEIVES THE RESULTS OF THE ADDITIONAL EXAMINATION.

18 C. THE BOARD SHALL NOT EXTEND, RENEW OR REISSUE A TEMPORARY LICENSE OR  
19 ALLOW IT TO CONTINUE IN EFFECT BEYOND THE PERIOD AUTHORIZED BY THIS SECTION.

20 D. THE BOARD'S DENIAL OF AN APPLICATION FOR LICENSURE TERMINATES A  
21 TEMPORARY LICENSE.

22 E. THE BOARD MAY PLACE ON INACTIVE STATUS AND WAIVE THE LICENSE  
23 RENEWAL FEE REQUIREMENTS FOR A PERSON WHO IS TEMPORARILY OR PERMANENTLY  
24 UNABLE TO PRACTICE AS A BEHAVIOR ANALYST DUE TO PHYSICAL OR MENTAL INCAPACITY  
25 OR DISABILITY. AN INITIAL REQUEST FOR THE WAIVER OF RENEWAL FEES SHALL BE  
26 ACCOMPANIED BY THE RENEWAL FEE FOR AN ACTIVE LICENSE, WHICH THE BOARD SHALL  
27 RETURN IF THE WAIVER IS GRANTED. THE BOARD SHALL JUDGE EACH REQUEST FOR THE  
28 WAIVER OF RENEWAL FEES ON ITS OWN MERITS AND MAY SEEK THE VERIFICATION IT  
29 DEEMS NECESSARY TO SUBSTANTIATE THE FACTS OF THE SITUATION. A BEHAVIOR  
30 ANALYST WHO IS RETIRED IS EXEMPT FROM PAYING THE RENEWAL FEE. A BEHAVIOR  
31 ANALYST MAY REQUEST VOLUNTARY INACTIVE STATUS BY SUBMITTING TO THE BOARD AN  
32 APPLICATION ON A FORM PRESCRIBED BY THE BOARD AND AN AFFIRMATION THAT THE  
33 BEHAVIOR ANALYST WILL NOT PRACTICE AS A BEHAVIOR ANALYST IN THIS STATE FOR  
34 THE DURATION OF THE VOLUNTARY INACTIVE STATUS AND BY PAYING THE REQUIRED FEE.

35 F. A BEHAVIOR ANALYST WHO IS ON ANY FORM OF INACTIVE STATUS SHALL  
36 RENEW THE INACTIVE STATUS EVERY TWO YEARS BY SUBMITTING A RENEWAL FORM  
37 PROVIDED BY THE BOARD AND PAYING ANY APPLICABLE FEE. A NOTICE TO RENEW IS  
38 FULLY EFFECTIVE BY MAILING THE RENEWAL APPLICATION TO THE LICENSEE'S LAST  
39 KNOWN ADDRESS OF RECORD IN THE BOARD'S FILE. NOTICE IS COMPLETE AT THE TIME  
40 OF ITS DEPOSIT IN THE MAIL. A BEHAVIOR ANALYST WHO IS ON INACTIVE STATUS DUE  
41 TO PHYSICAL OR MENTAL INCAPACITY OR DISABILITY OR RETIREMENT SHALL USE THE  
42 TERM "INACTIVE" TO DESCRIBE THE PERSON'S STATUS AND SHALL NOT PRACTICE AS A  
43 BEHAVIOR ANALYST.

44 G. A BEHAVIOR ANALYST ON INACTIVE STATUS MAY REQUEST REINSTATEMENT OF  
45 THE LICENSE TO ACTIVE STATUS BY APPLYING TO THE BOARD. THE BOARD SHALL  
46 DETERMINE WHETHER THE PERSON HAS BEEN OR IS IN VIOLATION OF ANY PROVISIONS OF  
47 THIS ARTICLE AND WHETHER THE PERSON HAS MAINTAINED AND UPDATED THE PERSON'S



1 PROFESSIONAL KNOWLEDGE AND CAPABILITY TO PRACTICE AS A BEHAVIOR ANALYST. THE  
2 BOARD MAY REQUIRE THE PERSON TO TAKE OR RETAKE THE LICENSURE EXAMINATIONS AND  
3 MAY REQUIRE OTHER KNOWLEDGE OR SKILL TRAINING EXPERIENCES. IF APPROVED FOR  
4 ACTIVE STATUS, THE PERSON SHALL PAY A RENEWAL FEE THAT EQUALS THE RENEWAL FEE  
5 FOR THE LICENSE TO BE REINSTATED.

6 32-2091.07. Active license; issuance; renewal; expiration;  
7 continuing education

8 A. IF THE APPLICANT SATISFIES ALL OF THE REQUIREMENTS FOR LICENSURE  
9 PURSUANT TO THIS ARTICLE, THE BOARD SHALL ISSUE AN ACTIVE LICENSE AND SHALL  
10 PRORATE THE FEE FOR ISSUING THAT LICENSE FOR THE PERIOD REMAINING UNTIL MAY 1  
11 OF THE NEXT ODD-NUMBERED YEAR.

12 B. A PERSON HOLDING AN ACTIVE OR INACTIVE LICENSE SHALL APPLY TO RENEW  
13 THE LICENSE ON OR BEFORE APRIL 30 OF EACH ODD-NUMBERED YEAR. THE APPLICATION  
14 SHALL INCLUDE ANY APPLICABLE RENEWAL FEE. A LICENSE EXPIRES IF THE LICENSEE  
15 FAILS TO RENEW THE LICENSE ON OR BEFORE APRIL 30 OF THAT YEAR. A LICENSEE  
16 MAY REINSTATE AN EXPIRED LICENSE BY PAYING A REINSTATEMENT FEE ON OR BEFORE  
17 JUNE 30 OF THAT YEAR. BEGINNING ON JULY 1 OF THAT YEAR THROUGH APRIL 30 OF  
18 THE NEXT YEAR, A LICENSEE MAY REINSTATE THE LICENSE BY PAYING A REINSTATEMENT  
19 FEE AND PROVIDING PROOF OF COMPETENCY AND QUALIFICATIONS TO THE BOARD. THIS  
20 PROOF MAY INCLUDE CONTINUING EDUCATION, AN ORAL EXAMINATION, A WRITTEN  
21 EXAMINATION OR AN INTERVIEW WITH THE BOARD. A LICENSEE WHOSE LICENSE IS NOT  
22 REINSTATED ON OR BEFORE APRIL 30 OF THE NEXT EVEN-NUMBERED YEAR MAY REAPPLY  
23 FOR LICENSURE AS PRESCRIBED BY THIS ARTICLE. A NOTICE TO RENEW IS FULLY  
24 EFFECTIVE BY MAILING THE RENEWAL APPLICATION TO THE LICENSEE'S LAST KNOWN  
25 ADDRESS OF RECORD IN THE BOARD'S FILE. NOTICE IS COMPLETE AT THE TIME OF  
26 DEPOSIT IN THE MAIL.

27 C. A PERSON RENEWING A LICENSE SHALL ATTACH TO THE COMPLETED RENEWAL  
28 FORM A REPORT OF DISCIPLINARY ACTIONS OR RESTRICTIONS PLACED AGAINST THE  
29 LICENSE BY ANOTHER STATE LICENSING OR DISCIPLINARY BOARD OR DISCIPLINARY  
30 ACTIONS OR SANCTIONS IMPOSED BY A STATE OR NATIONAL BEHAVIOR ANALYSIS ETHICS  
31 COMMITTEE OR HEALTH CARE INSTITUTION. THE REPORT SHALL INCLUDE THE NAME AND  
32 ADDRESS OF THE SANCTIONING AGENCY OR HEALTH CARE INSTITUTION, THE NATURE OF  
33 THE ACTION TAKEN AND A GENERAL STATEMENT OF THE CHARGES LEADING TO THE  
34 ACTION.

35 D. A PERSON WHO RENEWS AN ACTIVE LICENSE TO PRACTICE BEHAVIOR ANALYSIS  
36 IN THIS STATE SHALL SATISFY A CONTINUING EDUCATION REQUIREMENT DESIGNED TO  
37 PROVIDE THE NECESSARY UNDERSTANDING OF CURRENT DEVELOPMENTS, SKILLS,  
38 PROCEDURES OR TREATMENT RELATED TO THE PRACTICE OF BEHAVIOR ANALYSIS IN THE  
39 AMOUNT AND DURING THE PERIOD THE BOARD PRESCRIBES. THE BOARD SHALL PRESCRIBE  
40 DOCUMENTATION REQUIREMENTS.

41 32-2091.08. Exemptions from licensure

42 A. THIS ARTICLE DOES NOT LIMIT THE ACTIVITIES, SERVICES AND USE OF A  
43 TITLE BY THE FOLLOWING:

44 1. A BEHAVIOR ANALYST WHO IS EMPLOYED IN A COMMON SCHOOL, HIGH SCHOOL  
45 OR CHARTER SCHOOL SETTING AND WHO IS CERTIFIED TO USE THAT TITLE BY THE  
46 DEPARTMENT OF EDUCATION IF THE SERVICES OR ACTIVITIES ARE A PART OF THE

1 DUTIES OF THAT PERSON'S COMMON SCHOOL, HIGH SCHOOL OR CHARTER SCHOOL  
2 EMPLOYMENT.

3 2. AN EMPLOYEE OF A GOVERNMENT AGENCY IN A SUBDOCTORATE POSITION WHO  
4 USES THE WORD "ASSISTANT" OR "ASSOCIATE" AFTER THE TITLE AND WHO IS  
5 SUPERVISED BY A DOCTORATE POSITION EMPLOYEE WHO IS LICENSED AS A BEHAVIOR  
6 ANALYST, INCLUDING A TEMPORARY LICENSEE.

7 3. A STUDENT OF BEHAVIOR ANALYSIS PURSUING AN OFFICIAL COURSE OF  
8 GRADUATE STUDY AT AN EDUCATIONAL INSTITUTION ACCREDITED AS PRESCRIBED BY THE  
9 BOARD, IF AFTER THE TITLE THE WORD "TRAINEE", "INTERN" OR "EXTERN" APPEARS  
10 AND THE STUDENT USES THE TITLE ONLY IN CONJUNCTION WITH ACTIVITIES AND  
11 SERVICES THAT ARE A PART OF THE SUPERVISED PROGRAM.

12 4. A PERSON WHO RESIDES OUTSIDE OF THIS STATE AND WHO IS CURRENTLY  
13 LICENSED OR CERTIFIED AS A BEHAVIOR ANALYST IN THAT STATE IF THE ACTIVITIES  
14 AND SERVICES CONDUCTED IN THIS STATE ARE WITHIN THE BEHAVIOR ANALYST'S  
15 CUSTOMARY AREA OF PRACTICE, DO NOT EXCEED TWENTY DAYS PER YEAR AND ARE NOT  
16 OTHERWISE IN VIOLATION OF THIS ARTICLE AND THE CLIENT, PUBLIC OR CONSUMER IS  
17 INFORMED OF THE LIMITED NATURE OF THESE ACTIVITIES AND SERVICES AND THAT THE  
18 BEHAVIOR ANALYST IS NOT LICENSED IN THIS STATE.

19 5. A PERSON IN THE EMPLOY OF ARIZONA STATE UNIVERSITY, NORTHERN  
20 ARIZONA UNIVERSITY OR THE UNIVERSITY OF ARIZONA IF THE SERVICES ARE A PART OF  
21 THE FACULTY DUTIES OF THAT PERSON'S SALARIED POSITION AND THE PERSON IS  
22 PARTICIPATING IN A POSTDOCTORAL PROGRAM.

23 6. A SUPERVISEE WHO IS PURSUING A POSTDOCTORAL PROFESSIONAL EXPERIENCE  
24 IF THE SERVICES OR ACTIVITIES ARE PROVIDED UNDER THE DIRECT SUPERVISION OF A  
25 LICENSED BEHAVIOR ANALYST, CLIENTS ARE INFORMED OF THE TRAINING NATURE OF THE  
26 SERVICES PROVIDED AND THE SUPERVISEE HAS A TITLE THAT DESIGNATES THAT  
27 PERSON'S TRAINING STATUS.

28 B. THIS ARTICLE DOES NOT LIMIT THE USE OF THE TITLE "BEHAVIOR ANALYST"  
29 BY A PERSON WHO POSSESSES A DOCTORAL DEGREE FROM AN EDUCATIONAL INSTITUTION  
30 IF THAT PERSON IS NOT ENGAGED IN THE PRACTICE OF BEHAVIOR ANALYSIS.

31 C. THIS ARTICLE DOES NOT PREVENT A MEMBER OF OTHER RECOGNIZED  
32 PROFESSIONS WHO IS LICENSED, CERTIFIED OR REGULATED UNDER THE LAWS OF THIS  
33 STATE FROM RENDERING SERVICES WITHIN THAT PERSON'S SCOPE OF PRACTICE AND CODE  
34 OF ETHICS IF THAT PERSON DOES NOT CLAIM TO BE A BEHAVIOR ANALYST.

35 32-2091.09. Grounds for disciplinary action; duty to report;  
36 immunity; proceedings; board action; notice  
37 requirements; civil penalty

38 A. THE BOARD ON ITS OWN MOTION MAY INVESTIGATE EVIDENCE THAT APPEARS  
39 TO SHOW THAT A LICENSEE IS PSYCHOLOGICALLY INCOMPETENT, GUILTY OF  
40 UNPROFESSIONAL CONDUCT OR MENTALLY OR PHYSICALLY UNABLE TO SAFELY ENGAGE IN  
41 THE PRACTICE OF BEHAVIOR ANALYSIS. A HEALTH CARE INSTITUTION SHALL, AND ANY  
42 OTHER PERSON MAY, REPORT TO THE BOARD INFORMATION THAT APPEARS TO SHOW THAT A  
43 LICENSEE IS PSYCHOLOGICALLY INCOMPETENT, GUILTY OF UNPROFESSIONAL CONDUCT OR  
44 MENTALLY OR PHYSICALLY UNABLE TO SAFELY ENGAGE IN THE PRACTICE OF BEHAVIOR  
45 ANALYSIS. THE BOARD SHALL NOTIFY THE LICENSEE ABOUT WHOM INFORMATION HAS  
46 BEEN RECEIVED AS TO THE CONTENT OF THE INFORMATION WITHIN ONE HUNDRED TWENTY  
47 DAYS AFTER RECEIVING THE INFORMATION. A PERSON WHO REPORTS OR PROVIDES

1 INFORMATION TO THE BOARD IN GOOD FAITH IS NOT SUBJECT TO AN ACTION FOR CIVIL  
2 DAMAGES. THE BOARD, IF REQUESTED, SHALL NOT DISCLOSE THE NAME OF THE PERSON  
3 PROVIDING INFORMATION UNLESS THIS INFORMATION IS ESSENTIAL TO PROCEEDINGS  
4 CONDUCTED PURSUANT TO THIS SECTION. THE BOARD SHALL REPORT A HEALTH CARE  
5 INSTITUTION THAT FAILS TO REPORT AS REQUIRED BY THIS SECTION TO THE  
6 INSTITUTION'S LICENSING AGENCY.

7 B. A HEALTH CARE INSTITUTION SHALL INFORM THE BOARD IF THE PRIVILEGES  
8 OF A LICENSEE TO PRACTICE IN THAT INSTITUTION ARE DENIED, REVOKED, SUSPENDED  
9 OR LIMITED BECAUSE OF ACTIONS BY THE LICENSEE THAT APPEAR TO SHOW THAT THE  
10 PERSON IS PSYCHOLOGICALLY INCOMPETENT, GUILTY OF UNPROFESSIONAL CONDUCT OR  
11 MENTALLY OR PHYSICALLY UNABLE TO SAFELY ENGAGE IN THE PRACTICE OF BEHAVIOR  
12 ANALYSIS, ALONG WITH A GENERAL STATEMENT OF THE REASONS THAT LED THE HEALTH  
13 CARE INSTITUTION TO TAKE THIS ACTION. A HEALTH CARE INSTITUTION SHALL INFORM  
14 THE BOARD IF A LICENSEE UNDER INVESTIGATION RESIGNS THE LICENSEE'S PRIVILEGES  
15 OR IF A LICENSEE RESIGNS IN LIEU OF DISCIPLINARY ACTION BY THE HEALTH CARE  
16 INSTITUTION. NOTIFICATION MUST INCLUDE A GENERAL STATEMENT OF THE REASONS  
17 FOR THE RESIGNATION.

18 C. THE BOARD MAY REQUIRE THE LICENSEE TO UNDERGO ANY COMBINATION OF  
19 MENTAL, PHYSICAL OR PSYCHOLOGICAL COMPETENCE EXAMINATIONS AT THE LICENSEE'S  
20 EXPENSE AND SHALL CONDUCT INVESTIGATIONS NECESSARY TO DETERMINE THE  
21 COMPETENCE AND CONDUCT OF THE LICENSEE.

22 D. THE CHAIRPERSON OF THE BOARD SHALL APPOINT A COMPLAINT SCREENING  
23 COMMITTEE OF AT LEAST THREE MEMBERS OF THE BOARD, INCLUDING A PUBLIC MEMBER.  
24 THE COMPLAINT SCREENING COMMITTEE IS SUBJECT TO OPEN MEETING REQUIREMENTS  
25 PURSUANT TO TITLE 38, CHAPTER 3, ARTICLE 3.1. THE COMPLAINT SCREENING  
26 COMMITTEE SHALL REVIEW ALL COMPLAINTS AND, BASED ON THE INFORMATION PROVIDED  
27 PURSUANT TO SUBSECTION A OR B OF THIS SECTION, MAY TAKE EITHER OF THE  
28 FOLLOWING ACTIONS:

29 1. DISMISS THE COMPLAINT IF THE COMMITTEE DETERMINES THAT THE  
30 COMPLAINT IS WITHOUT MERIT. COMPLAINTS DISMISSED BY THE COMPLAINT SCREENING  
31 COMMITTEE SHALL NOT BE DISCLOSED IN RESPONSE TO A TELEPHONE INQUIRY OR PLACED  
32 ON THE BOARD'S WEBSITE.

33 2. REFER THE COMPLAINT TO THE FULL BOARD FOR FURTHER REVIEW AND  
34 ACTION.

35 E. IF THE BOARD FINDS, BASED ON THE INFORMATION IT RECEIVES UNDER  
36 SUBSECTION A OR B OF THIS SECTION, THAT THE PUBLIC HEALTH, SAFETY OR WELFARE  
37 REQUIRES EMERGENCY ACTION, THE BOARD MAY ORDER A SUMMARY SUSPENSION OF A  
38 LICENSE PENDING PROCEEDINGS FOR REVOCATION OR OTHER ACTION. IF THE BOARD  
39 ISSUES THIS ORDER, IT SHALL SERVE THE LICENSEE WITH A WRITTEN NOTICE OF  
40 COMPLAINT AND FORMAL HEARING PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10,  
41 SETTING FORTH THE CHARGES MADE AGAINST THE LICENSEE AND THE LICENSEE'S RIGHT  
42 TO A FORMAL HEARING BEFORE THE BOARD OR AN ADMINISTRATIVE LAW JUDGE WITHIN  
43 SIXTY DAYS.

44 F. IF THE BOARD FINDS THAT THE INFORMATION PROVIDED PURSUANT TO  
45 SUBSECTION A OR B OF THIS SECTION IS NOT OF SUFFICIENT SERIOUSNESS TO MERIT  
46 DIRECT ACTION AGAINST THE LICENSEE, IT MAY TAKE ANY OF THE FOLLOWING ACTIONS:

1           1. DISMISS IF THE BOARD BELIEVES THE INFORMATION IS WITHOUT MERIT.

2           2. FILE A LETTER OF CONCERN.

3           3. ISSUE A NONDISCIPLINARY ORDER REQUIRING THE LICENSEE TO COMPLETE A  
4 PRESCRIBED NUMBER OF HOURS OF CONTINUING EDUCATION IN AN AREA OR AREAS  
5 PRESCRIBED BY THE BOARD TO PROVIDE THE LICENSEE WITH THE NECESSARY  
6 UNDERSTANDING OF CURRENT DEVELOPMENTS, SKILLS, PROCEDURES OR TREATMENT.

7           G. IF THE BOARD BELIEVES THE INFORMATION PROVIDED PURSUANT TO  
8 SUBSECTION A OR B OF THIS SECTION IS OR MAY BE TRUE, IT MAY REQUEST AN  
9 INFORMAL INTERVIEW WITH THE LICENSEE. IF THE LICENSEE REFUSES TO BE  
10 INTERVIEWED OR IF PURSUANT TO AN INTERVIEW THE BOARD DETERMINES THAT CAUSE  
11 MAY EXIST TO REVOKE OR SUSPEND THE LICENSE, IT SHALL ISSUE A FORMAL COMPLAINT  
12 AND HOLD A HEARING PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10. IF AS A  
13 RESULT OF AN INFORMAL INTERVIEW OR A HEARING THE BOARD DETERMINES THAT THE  
14 FACTS DO NOT WARRANT REVOCATION OR SUSPENSION OF THE LICENSE, IT MAY TAKE ANY  
15 OF THE FOLLOWING ACTIONS:

16           1. DISMISS IF THE BOARD BELIEVES THE INFORMATION IS WITHOUT MERIT.

17           2. FILE A LETTER OF CONCERN.

18           3. ISSUE A DECREE OF CENSURE.

19           4. FIX A PERIOD AND TERMS OF PROBATION BEST ADAPTED TO PROTECT THE  
20 PUBLIC HEALTH AND SAFETY AND TO REHABILITATE OR EDUCATE THE LICENSEE.  
21 PROBATION MAY INCLUDE TEMPORARY SUSPENSION FOR NOT MORE THAN TWELVE MONTHS,  
22 RESTRICTION OF THE LICENSE OR RESTITUTION OF FEES TO A CLIENT RESULTING FROM  
23 VIOLATIONS OF THIS ARTICLE. IF A LICENSEE FAILS TO COMPLY WITH A TERM OF  
24 PROBATION, THE BOARD MAY FILE A COMPLAINT AND NOTICE OF HEARING PURSUANT TO  
25 TITLE 41, CHAPTER 6, ARTICLE 10 AND TAKE FURTHER DISCIPLINARY ACTION.

26           5. ENTER INTO AN AGREEMENT WITH THE LICENSEE TO RESTRICT OR LIMIT THE  
27 LICENSEE'S PRACTICE OR ACTIVITIES IN ORDER TO REHABILITATE THE LICENSEE,  
28 PROTECT THE PUBLIC AND ENSURE THE LICENSEE'S ABILITY TO SAFELY ENGAGE IN THE  
29 PRACTICE OF BEHAVIOR ANALYSIS.

30           6. ISSUE A NONDISCIPLINARY ORDER REQUIRING THE LICENSEE TO COMPLETE A  
31 PRESCRIBED NUMBER OF HOURS OF CONTINUING EDUCATION IN AN AREA OR AREAS  
32 PRESCRIBED BY THE BOARD TO PROVIDE THE LICENSEE WITH THE NECESSARY  
33 UNDERSTANDING OF CURRENT DEVELOPMENTS, SKILLS, PROCEDURES OR TREATMENT.

34           H. IF THE BOARD FINDS THAT THE INFORMATION PROVIDED PURSUANT TO  
35 SUBSECTION A OR B OF THIS SECTION WARRANTS SUSPENSION OR REVOCATION OF A  
36 LICENSE, IT SHALL HOLD A HEARING PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10.  
37 NOTICE OF A COMPLAINT AND HEARING IS FULLY EFFECTIVE BY MAILING A TRUE COPY  
38 TO THE LICENSEE'S LAST KNOWN ADDRESS OF RECORD IN THE BOARD'S FILES. NOTICE  
39 IS COMPLETE AT THE TIME OF ITS DEPOSIT IN THE MAIL.

40           I. THE BOARD MAY IMPOSE A CIVIL PENALTY OF AT LEAST THREE HUNDRED  
41 DOLLARS BUT NOT MORE THAN THREE THOUSAND DOLLARS FOR EACH VIOLATION OF THIS  
42 ARTICLE OR A RULE ADOPTED UNDER THIS ARTICLE. THE BOARD SHALL DEPOSIT,  
43 PURSUANT TO SECTIONS 35-146 AND 35-147, ALL MONIES IT COLLECTS FROM CIVIL  
44 PENALTIES PURSUANT TO THIS SUBSECTION IN THE STATE GENERAL FUND.

45           J. IF THE BOARD DETERMINES AFTER A HEARING THAT A LICENSEE HAS  
46 COMMITTED AN ACT OF UNPROFESSIONAL CONDUCT, IS MENTALLY OR PHYSICALLY UNABLE  
47 TO SAFELY ENGAGE IN THE PRACTICE OF BEHAVIOR ANALYSIS OR IS PSYCHOLOGICALLY

1 INCOMPETENT, IT MAY DO ANY OF THE FOLLOWING IN ANY COMBINATION AND FOR ANY  
2 PERIOD OF TIME IT DETERMINES NECESSARY:

- 3 1. SUSPEND OR REVOKE THE LICENSE.
- 4 2. CENSURE THE LICENSEE.
- 5 3. PLACE THE LICENSEE ON PROBATION.

6 K. A LICENSEE MAY SUBMIT A WRITTEN RESPONSE TO THE BOARD WITHIN THIRTY  
7 DAYS AFTER RECEIVING A LETTER OF CONCERN. THE RESPONSE IS A PUBLIC DOCUMENT  
8 AND SHALL BE PLACED IN THE LICENSEE'S FILE.

9 L. A LETTER OF CONCERN IS A PUBLIC DOCUMENT AND MAY BE USED IN FUTURE  
10 DISCIPLINARY ACTIONS AGAINST A LICENSEE. A DECREE OF CENSURE IS AN OFFICIAL  
11 ACTION AGAINST THE BEHAVIOR ANALYST'S LICENSE AND MAY INCLUDE A REQUIREMENT  
12 THAT THE LICENSEE RETURN FEES TO A CLIENT.

13 M. EXCEPT AS PROVIDED IN SECTION 41-1092.08, SUBSECTION H, A PERSON  
14 MAY APPEAL A FINAL DECISION MADE PURSUANT TO THIS SECTION TO THE SUPERIOR  
15 COURT PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6.

16 N. IF DURING THE COURSE OF AN INVESTIGATION THE BOARD DETERMINES THAT  
17 A CRIMINAL VIOLATION MAY HAVE OCCURRED INVOLVING THE DELIVERY OF BEHAVIOR  
18 ANALYSIS SERVICES, IT SHALL INFORM THE APPROPRIATE CRIMINAL JUSTICE AGENCY.

19 32-2091.10. Right to examine and copy evidence; subpoenas;  
20 right to counsel; confidentiality

21 A. IN CONNECTION WITH AN INVESTIGATION CONDUCTED PURSUANT TO THIS  
22 ARTICLE, AT ALL REASONABLE TIMES THE BOARD AND ITS AUTHORIZED AGENTS MAY  
23 EXAMINE AND COPY DOCUMENTS, REPORTS, RECORDS AND OTHER PHYSICAL EVIDENCE  
24 WHEREVER LOCATED RELATING TO THE LICENSEE'S PROFESSIONAL COMPETENCE,  
25 UNPROFESSIONAL CONDUCT OR MENTAL OR PHYSICAL ABILITY TO SAFELY PRACTICE  
26 BEHAVIOR ANALYSIS.

27 B. THE BOARD AND ITS AUTHORIZED AGENTS MAY ISSUE SUBPOENAS TO COMPEL  
28 THE ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF DOCUMENTS AND  
29 OTHER PHYSICAL EVIDENCE AS PRESCRIBED IN SUBSECTION A. THE BOARD MAY  
30 PETITION THE SUPERIOR COURT TO ENFORCE A SUBPOENA.

31 C. WITHIN FIVE DAYS OF RECEIVING A SUBPOENA, A PERSON MAY PETITION THE  
32 BOARD TO REVOKE, LIMIT OR MODIFY THE SUBPOENA. THE BOARD SHALL TAKE THIS  
33 ACTION IF IT DETERMINES THAT THE EVIDENCE DEMANDED IS NOT RELEVANT TO THE  
34 INVESTIGATION. THE PERSON MAY PETITION THE SUPERIOR COURT FOR THIS RELIEF  
35 WITHOUT FIRST PETITIONING THE BOARD.

36 D. A PERSON APPEARING BEFORE THE BOARD OR ITS AUTHORIZED AGENTS MAY BE  
37 REPRESENTED BY AN ATTORNEY.

38 E. DOCUMENTS ASSOCIATED WITH AN INVESTIGATION ARE NOT OPEN TO THE  
39 PUBLIC AND SHALL REMAIN CONFIDENTIAL. DOCUMENTS MAY NOT BE RELEASED WITHOUT  
40 A COURT ORDER COMPELLING THEIR PRODUCTION.

41 F. THIS SECTION OR ANY OTHER PROVISION OF LAW MAKING COMMUNICATIONS  
42 BETWEEN A BEHAVIOR ANALYST AND CLIENT PRIVILEGED DOES NOT APPLY TO AN  
43 INVESTIGATION CONDUCTED PURSUANT TO THIS ARTICLE. THE BOARD, ITS EMPLOYEES  
44 AND ITS AGENTS SHALL KEEP IN CONFIDENCE THE NAMES OF CLIENTS WHOSE RECORDS  
45 ARE REVIEWED DURING AN INVESTIGATION.

32-2091.11. Injunction

A. THE BOARD MAY PETITION THE SUPERIOR COURT FOR AN ORDER TO ENJOIN THE FOLLOWING:

1. A PERSON WHO IS NOT LICENSED PURSUANT TO THIS ARTICLE FROM PRACTICING BEHAVIOR ANALYSIS.

2. THE ACTIVITIES OF A LICENSEE THAT ARE AN IMMEDIATE THREAT TO THE PUBLIC.

3. CRIMINAL ACTIVITIES.

B. IF THE BOARD SEEKS AN INJUNCTION TO STOP THE UNLICENSED PRACTICE OF BEHAVIOR ANALYSIS, IT IS SUFFICIENT TO CHARGE THAT THE RESPONDENT ON A CERTAIN DAY IN A SPECIFIC COUNTY ENGAGED IN THE PRACTICE OF BEHAVIOR ANALYSIS WITHOUT A LICENSE AND WITHOUT BEING EXEMPT FROM THE LICENSURE REQUIREMENTS OF THIS ARTICLE. IT IS NOT NECESSARY TO SHOW SPECIFIC DAMAGES OR INJURY.

C. THE ISSUANCE OF AN INJUNCTION DOES NOT LIMIT THE BOARD'S AUTHORITY TO TAKE OTHER ACTION AGAINST A LICENSEE PURSUANT TO THIS ARTICLE.

32-2091.12. Violations; classification

A. IT IS A CLASS 2 MISDEMEANOR FOR A PERSON WHO IS NOT LICENSED PURSUANT TO THIS ARTICLE TO ENGAGE IN THE PRACTICE OF BEHAVIOR ANALYSIS.

B. IT IS A CLASS 2 MISDEMEANOR FOR ANY PERSON TO:

1. SECURE A LICENSE TO PRACTICE PURSUANT TO THIS ARTICLE BY FRAUD OR DECEIT.

2. IMPERSONATE A MEMBER OF THE BOARD IN ORDER TO ISSUE A LICENSE TO PRACTICE PURSUANT TO THIS ARTICLE.

C. IT IS A CLASS 2 MISDEMEANOR FOR A PERSON WHO IS NOT LICENSED PURSUANT TO THIS ARTICLE TO USE ANY COMBINATION OF WORDS, INITIALS AND SYMBOLS THAT LEADS THE PUBLIC TO BELIEVE THE PERSON IS LICENSED TO PRACTICE BEHAVIOR ANALYSIS IN THIS STATE.

32-2091.13. Confidential communications

A. THE CONFIDENTIAL RELATIONS AND COMMUNICATIONS BETWEEN A CLIENT AND A PERSON WHO IS LICENSED PURSUANT TO THIS ARTICLE, INCLUDING TEMPORARY LICENSEES, ARE PLACED ON THE SAME BASIS AS THOSE PROVIDED BY LAW BETWEEN AN ATTORNEY AND CLIENT. UNLESS THE CLIENT WAIVES THE BEHAVIOR ANALYST-CLIENT PRIVILEGE IN WRITING OR IN COURT TESTIMONY, A BEHAVIOR ANALYST SHALL NOT VOLUNTARILY OR INVOLUNTARILY DIVULGE INFORMATION THAT IS RECEIVED BY REASON OF THE CONFIDENTIAL NATURE OF THE BEHAVIOR ANALYST'S PRACTICE. THE BEHAVIOR ANALYST SHALL DIVULGE TO THE BOARD INFORMATION IT REQUIRES IN CONNECTION WITH ANY INVESTIGATION, PUBLIC HEARING OR OTHER PROCEEDING. THE BEHAVIOR ANALYST-CLIENT PRIVILEGE DOES NOT EXTEND TO CASES IN WHICH THE BEHAVIOR ANALYST HAS A DUTY TO REPORT INFORMATION AS REQUIRED BY LAW.

B. THE BEHAVIOR ANALYST SHALL ENSURE THAT CLIENT RECORDS AND COMMUNICATIONS ARE TREATED BY CLERICAL AND PARAPROFESSIONAL STAFF AT THE SAME LEVEL OF CONFIDENTIALITY AND PRIVILEGE REQUIRED OF THE BEHAVIOR ANALYST.

Sec. 3. Section 36-2901.03, Arizona Revised Statutes, is amended to read:

36-2901.03. Federal poverty program: eligibility

A. The administration shall adopt rules for a streamlined eligibility determination process for any person who applies to be an eligible person as

1 defined in section 36-2901, paragraph 6, subdivision (a), item (iv). The  
2 administration shall adopt these rules in accordance with state and federal  
3 requirements and the section 1115 waiver.

4 B. The administration must base eligibility on an adjusted gross  
5 income that does not exceed one hundred per cent of the federal poverty  
6 guidelines.

7 C. For persons who the administration determines are eligible pursuant  
8 to this section, the date of eligibility is the first day of the month of  
9 application.

10 D. Except as provided in ~~subsection~~ SUBSECTIONS E AND F of this  
11 section, the administration shall determine an eligible person's continued  
12 eligibility ~~on an annual basis~~ AT LEAST ANNUALLY.

13 E. Every six months the administration shall determine the continued  
14 eligibility of any adult who is at least twenty-one years of age and who is  
15 subject to redetermination of eligibility for temporary assistance for needy  
16 families cash benefits by the department. Acute care redeterminations  
17 pursuant to this subsection shall begin on ~~the effective date of this~~  
18 ~~amendment to this section~~ SEPTEMBER 19, 2007 and shall occur simultaneously  
19 with redeterminations of eligibility for temporary assistance for needy  
20 families cash benefits.

21 F. EVERY SIX MONTHS THE ADMINISTRATION SHALL DETERMINE THE CONTINUED  
22 ELIGIBILITY OF ANY ADULT WITHOUT DEPENDENT CHILDREN WHO IS ALL OF THE  
23 FOLLOWING:

- 24 1. AT LEAST TWENTY-ONE YEARS OF AGE.  
25 2. DEFINED AS ELIGIBLE PURSUANT TO SECTION 36-2901.01.  
26 3. NOT OTHERWISE ELIGIBLE AS A MANDATORY OR OPTIONALLY ELIGIBLE MEMBER  
27 PURSUANT TO TITLE XIX OF THE SOCIAL SECURITY ACT AS AUTHORIZED BY THE STATE  
28 PLAN.

29 Sec. 4. Title 36, chapter 29, article 4, Arizona Revised Statutes, is  
30 amended by adding section 36-2981.01, to read:

31 36-2981.01. Children's health insurance program; parent  
32 eligibility

33 A. A PARENT OF A CHILD WHO IS ELIGIBLE FOR OR ENROLLED IN THE  
34 CHILDREN'S HEALTH INSURANCE PROGRAM OR A PARENT WHO HAS A CHILD ENROLLED  
35 UNDER ARTICLE 1 OF THIS CHAPTER, BUT WHO WOULD BE ELIGIBLE FOR THE CHILDREN'S  
36 HEALTH INSURANCE PROGRAM, IS ELIGIBLE FOR THE CHILDREN'S HEALTH INSURANCE  
37 PROGRAM AND MAY APPLY FOR ELIGIBILITY BASED ON AN INCOME THAT DOES NOT EXCEED  
38 TWO HUNDRED PER CENT OF THE FEDERAL POVERTY LEVEL.

39 B. ELIGIBILITY AND PROGRAM CONTINUATION ARE DEPENDENT ON THE  
40 CONTINUATION OF AN ENHANCED FEDERAL MATCHING RATE FOR STATE MONIES. THE  
41 PROGRAM ENDS ON EXPIRATION OF THE ENHANCED FEDERAL MATCHING RATE.

42 C. IN DETERMINING ELIGIBILITY PURSUANT TO SUBSECTION A OF THIS  
43 SECTION, THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION SHALL  
44 APPLY OTHER ELIGIBILITY REQUIREMENTS PURSUANT TO SECTIONS 36-2981 AND 36-2983  
45 AND RULES ADOPTED BY THE ADMINISTRATION. IF THE PARENT IS DETERMINED  
46 ELIGIBLE PURSUANT TO THIS SECTION, EXCEPT AS PROVIDED IN SUBSECTION D OF THIS

SECTION, ALL OTHER REQUIREMENTS ESTABLISHED BY THE ADMINISTRATION BY RULE, INCLUDING AVAILABLE SERVICES, PURSUANT TO THIS ARTICLE APPLY.

D. PERSONS RECEIVING SERVICES UNDER THIS SECTION SHALL MAKE PREMIUM PAYMENTS ON A MONTHLY BASIS. THE DIRECTOR SHALL ADOPT RULES TO PRESCRIBE TIERED PREMIUMS BASED ON THE FOLLOWING:

1. FOR HOUSEHOLDS WITH INCOMES OF MORE THAN ONE HUNDRED PER CENT BUT LESS THAN ONE HUNDRED FIFTY PER CENT OF THE FEDERAL POVERTY GUIDELINES, THE PREMIUM IS EQUAL TO THREE PER CENT OF THE HOUSEHOLD'S NET INCOME.

2. FOR HOUSEHOLDS WITH INCOMES OF AT LEAST ONE HUNDRED FIFTY PER CENT BUT LESS THAN ONE HUNDRED SEVENTY-FIVE PER CENT OF THE FEDERAL POVERTY GUIDELINES, THE PREMIUM IS EQUAL TO FOUR PER CENT OF THE HOUSEHOLD'S NET INCOME.

3. FOR HOUSEHOLDS WITH INCOMES OF AT LEAST ONE HUNDRED SEVENTY-FIVE PER CENT BUT NOT MORE THAN TWO HUNDRED PER CENT OF THE FEDERAL POVERTY GUIDELINES, THE PREMIUM IS EQUAL TO FIVE PER CENT OF THE HOUSEHOLD'S NET INCOME.

E. PREMIUMS PAID PURSUANT TO SUBSECTION D OF THIS SECTION APPLY TO THE ENTIRE HOUSEHOLD UNIT, REGARDLESS OF THE NUMBER OF PARENTS OR CHILDREN PARTICIPATING.

Sec. 5. Repeal

Section 41-3008.16, Arizona Revised Statutes, is repealed.

Sec. 6. Title 41, chapter 27, article 2, Arizona Revised Statutes, is amended by adding section 41-3016.28, to read:

41-3016.28. Arizona pioneers' home; disabled miners hospital; termination July 1, 2016

A. THE ARIZONA PIONEERS' HOME AND THE DISABLED MINERS HOSPITAL TERMINATE ON JULY 1, 2016.

B. TITLE 41, CHAPTER 5, ARTICLES 2 AND 3 ARE REPEALED ON JANUARY 1, 2017.

Sec. 7. Exemption from rule making

For the purposes of this act, the state board of psychologist examiners is exempt from the rule making requirements of title 41, chapter 6, Arizona Revised Statutes, for two years after the effective date of this act.

Sec. 8. County transfers; fiscal year 2008-2009; county expenditure limitations

A. Notwithstanding any other law, in fiscal year 2008-2009, counties with a population of two million or more persons shall transfer \$24,168,400 and counties with a population of more than eight hundred thousand persons but less than two million persons shall transfer \$3,794,400 to the Arizona health care cost containment system administration for deposit in the budget neutrality compliance fund established by section 36-2928, Arizona Revised Statutes.

B. Notwithstanding any other law, a county may meet any statutory funding requirements of this section from any source of county revenue designated by the county, including funds of any county wide special taxing district in which the board of supervisors serves as the board of directors.



1 C. Contributions made pursuant to this section are excluded from the  
2 county expenditure limitations.

3 Sec. 9. AHCCCS; transfers; budget neutrality compliance fund

4 Notwithstanding any other law, in fiscal year 2008-2009, the Arizona  
5 health care cost containment system administration shall not transfer  
6 \$17,830,500 to counties for refunds of county Arizona long-term care system  
7 costs for fiscal year 2006-2007 and fiscal year 2007-2008 and shall instead  
8 deposit the \$17,830,500 in the budget neutrality compliance fund established  
9 by section 36-2928, Arizona Revised Statutes.

10 Sec. 10. Temporary medical coverage program; suspension

11 Notwithstanding any other law, the temporary medical coverage program  
12 established by section 36-2930, Arizona Revised Statutes, is suspended during  
13 fiscal year 2008-2009.

14 Sec. 11. AHCCCS; disproportionate share payments

15 Disproportionate share payments for fiscal year 2008-2009 made pursuant  
16 to section 36-2903.01, subsection P, Arizona Revised Statutes, include:

17 1. \$89,877,700 for a qualifying nonstate operated public hospital.  
18 The Maricopa county special health care district shall provide a certified  
19 public expense form for the amount of qualifying disproportionate share  
20 hospital expenditures made on behalf of this state to the administration on  
21 or before May 1, 2009 for all state plan years as required by the Arizona  
22 health care cost containment system 1115 waiver standard terms and  
23 conditions. The administration shall assist the district in determining the  
24 amount of qualifying disproportionate share hospital expenditures. Once the  
25 administration files a claim with the federal government and receives federal  
26 funds participation based on the amount certified by the Maricopa county  
27 special health care district, if the certification is equal to or greater  
28 than \$89,877,700, the administration shall distribute \$4,202,300 to the  
29 Maricopa county special health care district and deposit the balance of the  
30 federal funds participation in the state general fund. If the certification  
31 provided is for an amount less than \$89,877,700, and the administration  
32 determines that the revised amount is correct pursuant to the methodology  
33 used by the administration pursuant to section 36-2903.01, Arizona Revised  
34 Statutes, the administration shall notify the governor, the president of the  
35 senate and the speaker of the house of representatives, shall distribute  
36 \$4,202,300 to the Maricopa county special health care district and shall  
37 deposit the balance of the federal funds participation in the state general  
38 fund. If the certification provided is for an amount less than \$89,877,700  
39 and the administration determines that the revised amount is not correct  
40 pursuant to the methodology used by the administration pursuant to section  
41 36-2903.01, Arizona Revised Statutes, the administration shall notify the  
42 governor, the president of the senate and the speaker of the house of  
43 representatives and shall deposit the total amount of the federal funds  
44 participation in the state general fund.

45 2. \$28,614,300 for the Arizona state hospital. The Arizona state  
46 hospital shall provide a certified public expense form for the amount of  
47 qualifying disproportionate share hospital expenditures made on behalf of the

1 state to the administration on or before March 31, 2009. The administration  
2 shall assist the Arizona state hospital in determining the amount of  
3 qualifying disproportionate share hospital expenditures. Once the  
4 administration files a claim with the federal government and receives federal  
5 funds participation based on the amount certified by the Arizona state  
6 hospital, the administration shall distribute the entire amount of federal  
7 financial participation to the state general fund. If the certification  
8 provided is for an amount less than \$28,614,300, the administration shall  
9 notify the governor, the president of the senate and the speaker of the house  
10 of representatives and shall distribute the entire amount of federal  
11 financial participation to the state general fund. The certified public  
12 expense form provided by the Arizona state hospital shall contain both the  
13 total amount of qualifying disproportionate share hospital expenditures and  
14 the amount limited by section 1923(g) of the social security act.

15 3. \$26,147,700 for private qualifying disproportionate share  
16 hospitals.

17 Sec. 12. County acute care contribution; fiscal year 2008-2009

18 A. Notwithstanding section 11-292, Arizona Revised Statutes, for  
19 fiscal year 2008-2009 for the provision of hospitalization and medical care,  
20 the counties shall contribute the following amounts:

21	1. Apache	\$ 268,800
22	2. Cochise	\$ 2,214,800
23	3. Coconino	\$ 742,900
24	4. Gila	\$ 1,413,200
25	5. Graham	\$ 536,200
26	6. Greenlee	\$ 190,700
27	7. La Paz	\$ 212,100
28	8. Maricopa	\$21,552,700
29	9. Mohave	\$ 1,237,700
30	10. Navajo	\$ 310,800
31	11. Pima	\$14,951,800
32	12. Pinal	\$ 2,715,600
33	13. Santa Cruz	\$ 482,800
34	14. Yavapai	\$ 1,427,800
35	15. Yuma	\$ 1,325,100

36 B. If a county does not provide funding as specified in subsection A  
37 of this section, the state treasurer shall subtract the amount owed by the  
38 county to the Arizona health care cost containment system fund and the  
39 long-term care system fund established by section 36-2913, Arizona Revised  
40 Statutes, from any payments required to be made by the state treasurer to  
41 that county pursuant to section 42-5029, subsection D, paragraph 2, Arizona  
42 Revised Statutes, plus interest on that amount pursuant to section 44-1201,  
43 Arizona Revised Statutes, retroactive to the first day the funding was due.  
44 If the monies the state treasurer withholds are insufficient to meet that  
45 county's funding requirements as specified in subsection A of this section,  
46 the state treasurer shall withhold from any other monies payable to that  
47 county from whatever state funding source is available an amount necessary to

1 fulfill that county's requirement. The state treasurer shall not withhold  
2 distributions from the highway user revenue fund pursuant to title 28,  
3 chapter 18, article 2, Arizona Revised Statutes.

4 C. Payment of an amount equal to one-twelfth of the total amount  
5 determined pursuant to subsection A of this section shall be made to the  
6 state treasurer on or before the fifth day of each month. On request from  
7 the director of the Arizona health care cost containment system  
8 administration, the state treasurer shall require that up to three months'  
9 payments be made in advance, if necessary.

10 D. The state treasurer shall deposit the amounts paid pursuant to  
11 subsection C of this section and amounts withheld pursuant to subsection B of  
12 this section in the Arizona health care cost containment system fund and the  
13 long-term care system fund established by section 36-2913, Arizona Revised  
14 Statutes.

15 E. If payments made pursuant to subsection C of this section exceed  
16 the amount required to meet the costs incurred by the Arizona health care  
17 cost containment system for the hospitalization and medical care of those  
18 persons defined as an eligible person pursuant to section 36-2901, paragraph  
19 6, subdivisions (a), (b) and (c), Arizona Revised Statutes, the director of  
20 the Arizona health care cost containment system administration may instruct  
21 the state treasurer either to reduce remaining payments to be paid pursuant  
22 to this section by a specified amount or to provide to the counties specified  
23 amounts from the Arizona health care cost containment system fund and the  
24 long-term care system fund.

25 F. It is the intent of the legislature that the Maricopa county  
26 contribution pursuant to subsection A of this section be reduced in each  
27 subsequent year according to the changes in the GDP price deflator. For the  
28 purposes of this subsection, "GDP price deflator" has the same meaning  
29 prescribed in section 41-563, Arizona Revised Statutes.

30 Sec. 13. ALTCS; county contributions

31 Notwithstanding section 11-292, Arizona Revised Statutes, county  
32 contributions for the Arizona long-term care system for fiscal year 2008-2009  
33 are as follows:

34	1. Apache	\$ 628,500
35	2. Cochise	\$ 5,644,100
36	3. Coconino	\$ 1,885,900
37	4. Gila	\$ 2,340,100
38	5. Graham	\$ 1,216,100
39	6. Greenlee	\$ 117,900
40	7. La Paz	\$ 885,700
41	8. Maricopa	\$160,744,800
42	9. Mohave	\$ 8,397,100
43	10. Navajo	\$ 2,600,100
44	11. Pima	\$ 41,270,700
45	12. Pinal	\$ 12,905,000

13. Santa Cruz	\$ 1,929,600
14. Yavapai	\$ 9,212,100
15. Yuma	\$ 6,864,700

Sec. 14. Hospitalization and medical care contribution; fiscal year 2008-2009

A. Notwithstanding any other law, for fiscal year 2008-2009, beginning with the second monthly distribution of transaction privilege tax revenues, the state treasurer shall withhold the following amounts from state transaction privilege tax revenues otherwise distributable, after any amounts withheld for the county long-term care contribution or the county administration contribution pursuant to section 11-292, subsection P, Arizona Revised Statutes, for deposit in the Arizona health care cost containment system fund established by section 36-2913, Arizona Revised Statutes, for the provision of hospitalization and medical care:

1. Apache	\$ 87,300
2. Cochise	\$ 162,700
3. Coconino	\$ 160,500
4. Gila	\$ 65,900
5. Graham	\$ 46,800
6. Greenlee	\$ 12,000
7. La Paz	\$ 24,900
8. Mohave	\$ 187,400
9. Navajo	\$ 122,800
10. Pima	\$1,115,900
11. Pinal	\$ 218,300
12. Santa Cruz	\$ 51,600
13. Yavapai	\$ 206,200
14. Yuma	\$ 183,900

B. If a county does not provide funding as specified in subsection A of this section, the state treasurer shall subtract the amount owed by the county to the Arizona health care cost containment system fund from any payments required to be made by the state treasurer to that county pursuant to section 42-5029, subsection D, paragraph 2, Arizona Revised Statutes, plus interest on that amount pursuant to section 44-1201, Arizona Revised Statutes, retroactive to the first day the funding was due. If the monies the state treasurer withholds are insufficient to meet that county's funding requirement as specified in subsection A of this section, the state treasurer shall withhold from any other monies payable to that county from whatever state funding source is available an amount necessary to fulfill that county's requirement. The state treasurer shall not withhold distributions from the highway user revenue fund pursuant to title 28, chapter 18, article 2, Arizona Revised Statutes.

C. Payment of an amount equal to one-twelfth of the total monies prescribed pursuant to subsection A of this section shall be made to the state treasurer on or before the fifth day of each month. On request from the director of the Arizona health care cost containment system

1 administration, the state treasurer shall require that up to three months'  
2 payments be made in advance, if necessary.

3 D. The state treasurer shall deposit the monies paid pursuant to  
4 subsection C of this section in the Arizona health care cost containment  
5 system fund established by section 36-2913, Arizona Revised Statutes.

6 E. In fiscal year 2008-2009, the sum of \$2,646,200 withheld pursuant  
7 to subsection A or B of this section, as applicable, is allocated for the  
8 county acute care contribution for the provision of hospitalization and  
9 medical care services administered by the Arizona health care cost  
10 containment system administration.

11 F. County contributions made pursuant to subsection A of this section  
12 are excluded from the county expenditure limitations.

13 Sec. 15. Competency restoration treatment; county and city  
14 reimbursement; fiscal year 2008-2009; deposit; tax  
15 withholding

16 A. Notwithstanding section 13-4512, Arizona Revised Statutes, if the  
17 state pays the costs of a defendant's inpatient competency restoration  
18 treatment pursuant to section 13-4512, Arizona Revised Statutes, for counties  
19 with a population of eight hundred thousand or more persons and for all  
20 cities, the city or county shall reimburse the department of health services  
21 for eighty-six per cent of these costs for fiscal year 2008-2009.

22 B. The department shall deposit the reimbursements, pursuant to  
23 sections 35-146 and 35-147, Arizona Revised Statutes, in the Arizona state  
24 hospital fund established by section 36-545.08, Arizona Revised Statutes.

25 C. Each city and county shall make the reimbursements for these costs  
26 as specified in subsection A of this section within thirty days after a  
27 request by the department. If the city or county does not make the  
28 reimbursement, the superintendent of the Arizona state hospital shall notify  
29 the state treasurer of the amount owed and the treasurer shall withhold the  
30 amount, including any additional interest as provided in section 42-1123,  
31 Arizona Revised Statutes, from any transaction privilege tax distributions to  
32 the city or county. The treasurer shall deposit the withholdings, pursuant  
33 to sections 35-146 and 35-147, Arizona Revised Statutes, in the Arizona state  
34 hospital fund established by section 36-545.08, Arizona Revised Statutes.

35 Sec. 16. Proposition 204 administration; county expenditure  
36 limitation

37 County contributions for the administrative costs of implementing  
38 sections 36-2901.01 and 36-2901.04, Arizona Revised Statutes, that are made  
39 pursuant to section 11-292, subsection 0, Arizona Revised Statutes, are  
40 excluded from the county expenditure limitations.

41 Sec. 17. Health insurance premiums; department of  
42 administration

43 For fiscal year 2008-2009, the department of administration shall not  
44 implement a differentiated health insurance premium based on the integrated  
45 or nonintegrated status of a health insurance provider available through the  
46 state employee health insurance program beginning October 1, 2008.

1           Sec. 18. AHCCCS: reimbursement rates: freeze

2           For fiscal year 2008-2009, the Arizona health care cost containment  
3 system shall not increase reimbursement rates to contracted hospitals.

4           Sec. 19. Health crisis fund deposit

5           A. Notwithstanding section 36-797, Arizona Revised Statutes, on July  
6 1, 2008, sufficient monies from the medically needy account to establish a  
7 fund balance of \$500,000 shall be deposited in the health crisis fund.

8           B. This section applies retroactively to from and after June 30, 2008.

9           Sec. 20. Maricopa integrated health system; audit

10          The auditor general shall conduct a financial and performance audit of  
11 the Maricopa special health care district, which includes the Maricopa  
12 integrated health system, pursuant to section 41-1278, Arizona Revised  
13 Statutes, and provide a report to the governor, the president of the senate  
14 and the speaker of the house of representatives on or before March 15, 2009.  
15 The audit shall:

16          1. Identify and examine the current financial, administrative and  
17 operational issues of the district and identify changes required to ensure  
18 financial stability.

19          2. Identify the amount of funds generated through the taxing authority  
20 of the district and how such funds are used.

21          3. Examine the personnel structure, specifically management salaries,  
22 contract personnel and associated costs and evaluate whether this structure  
23 is consistent with and necessary for the execution of the statutorily  
24 designated duties of the district.

25          4. Identify all sources of state and federal funding received by the  
26 district and how these funds are used.

27          5. Examine and identify the amount of medical assistance furnished to  
28 indigent individuals who are uninsured and ineligible for medicaid and other  
29 health service programs and identify policies that have changed to restrict  
30 services to this population.

31          6. Examine the amount of uncompensated care provided on an annual  
32 basis by the district and measure this amount in relation to the amount of  
33 uncompensated care provided by facilities of the district before the  
34 formation of the district, to the amount of uncompensated care provided by  
35 facilities of the district before the implementation of proposition 204, and  
36 to the amount of uncompensated care reported by other private hospitals in  
37 Arizona and public hospitals in other states.

38          7. Recommend programmatic, administrative, financial and operational  
39 changes to ensure financial stability, improved accessibility and effective  
40 health care delivery.

41          Sec. 21. Purpose

42          Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,  
43 the legislature continues the Arizona pioneers' home and disabled miners  
44 hospital to provide services to long-term residents and miners of this state.

1           Sec. 22. Retroactivity  
2           A. Sections 5 and 6 of this act, relating to the Arizona pioneers'  
3 home and disabled miners hospital, are effective retroactively to July 1,  
4 2008.  
5           B. Section 14, subsection F of this act, relating to hospitalization  
6 and medical care contributions and section 16 of this act, relating to  
7 proposition 204 administration, are effective retroactively to June 30,  
8 2004."  
9 Amend title to conform

CAROLYN S. ALLEN

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